

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

STELLA MORRISON

§

§

VS.

§

§

CASE NO. 1:13-CV-00327

LAYNE WALKER, THE COUNTY OF  
JEFFERSON, TEXAS AND THE STATE  
OF TEXAS

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§

§

PLAINTIFF'S OPPOSED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT,  
AND CERTIFICATE OF CONFERENCE

TO THE HONORABLE UNITED STATES JUDGE OF SAID COURT:

Plaintiff, STELLA MORRISON, files this her Opposed Motion for Leave to File Amended Complaint, and Certificate of Conference, and would show unto the Court as follows:

1. Plaintiff seeks leave to file this Amended Complaint, pursuant to Fed. R. Civ. P. 15. Plaintiff would show that there is no Scheduling Order in this case, so therefore this Amended Complaint is timely. Also, Morrison is adding several additional Defendants, for the reasons set forth in this Amended Complaint. Furthermore, this Amended Complaint complies with the Magistrate Judge's request for a repleading, to clarify under the four (4) factors in *Ballard v. Wall*, 413 F.3d 510 (5<sup>th</sup> Cir. 2005), her allegations regarding the fabrication of false criminal charges against

her, which are set forth in the Amended Complaint, paras. 18-19. Morrison has also clarified the facts pertaining to her allegations regarding Walker's order for Deputy Barker to use force to remove Morrison from the hallway (paras. 20-21), Walker's filing of grievances (paras. 15-17), and the other factual matters in this Amended Complaint. Morrison has also addressed the Ballard v. Wall factors for each of those allegations as well.

2. Morrison is seeking to add as Defendants Tom Maness, Ed Shettle, Tom Rugg, Jeff Branick, Shane Phelps, and Mark Sparks, for the reasons set forth in this Amended Complaint in paras. 25-28. Morrison is also adding Maness and Shettle as Defendants pertaining to the falsified criminal charges they helped Walker fabricate against Morrison.

3. Morrison respectfully submits that a leave of court should be granted to file this Amended Complaint, and Morrison requests that this Court review it in conjunction with Morrison's Objections to the Magistrate Judge's ruling and also Morrison's Request for Reconsideration of that Ruling.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court grant this Motion for Leave to File Amended Complaint, and Certificate of

Conference and grant such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ John S. Morgan  
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CERTIFICATE OF CONFERENCE

Counsel for Plaintiff contacted counsel for Defendants who are opposed to the filing of Plaintiff's Amended Complaint.

/s/ John S. Morgan  
JOHN S. MORGAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been furnished to the following counsel of record, via e-file, on this 31<sup>st</sup> day of January, 2014:

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Via electronic filing

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/s/ John S. Morgan  
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